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EXAMINER	
PHAN, HUY Q	
ART UNIT	**PAPER NUMBER**
2687	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/996,162	CRONIN, THOMAS M.	
	Examiner	Art Unit	
	Huy Q Phan	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8,10-24,26 and 27* is/are rejected.

7)☒ Claim(s) *7,9,25 and 28* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Amendment filed on date: Nov. 26, 2004.

Claims 1-28 are still pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 10, 14-18, 22-24, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamazaki (US-5,828,312).

Regarding claim 1, Yamazaki discloses a method (fig. 1 and col. 3, line 24-col. 4, line 21) comprising:

associating a command ("set the scheduler" see col. 3, lines 24-30) with an event ("appointment times" see col. 3, lines 24-30) at a first device (fig. 1, program memory 106);

communicating the command to a second device (fig. 1, control 104) when the event occurs (col. 3, lines 29-67);

causing an action (inherently to "activates" see col. 3, lines 29-39) at the second device depending on the command (col. 3, lines 29-67), the action comprising at least one of:

disabling an alert mechanism of the second device;

enabling the alert mechanism (fig. 1; LCD 12, SP 13, or LED 14) of the second device (col. 3, lines 29-67); and

modifying a setting of the alert mechanism of the second device (col. 3, lines 29-67);

and if the alert mechanism of the second device is enabled, activating the alert mechanism of the second device in response to an alert being required (col. 3, lines 29-67).

Regarding claim 16, Yamazaki discloses an apparatus (fig. 1 and col. 3, line 24-col. 4, line 21) comprising:

a first device (fig. 1, program memory 106) to associate a command ("set the scheduler" see col. 3, lines 24-30) with an event ("appointment times" see col. 3, lines 24-30) and to transmit a message ("set alarm time" see col. 3, lines 29-39) comprising the command;

a second device (fig. 1, control 104) to receive the message and to perform an action (inherently to "activates" see col. 3, lines 29-39) depending on the command (col. 3, lines 29-67); and

an alert mechanism (fig. 1; LCD 12, SP 13, or LED 14) of the second device with one or more of

a capability to be enabled in response to the command (col. 3, lines 29-67);

a capability to be disabled in response to the command; and

a setting, modifiable in response to the command,

wherein the alert mechanism, if the alert mechanism is enabled, is capable of being activated in response to an alert being required (col. 3, lines 29-67).

Regarding claim 2, Yamazaki discloses the method of claim 1 wherein activating the alert mechanism of the second device in response to the alert being required further comprises activating the alert mechanism in response to:

a specific internal event, detected by the second device (col. 3, lines 24-67);

a signal requesting the alert, sent from a third device (fig. 1; key 108) to the second device (col. 3, lines 24-67); and

the signal requesting the alert, sent from the first device to the second device (col. 3, lines 24-67).

Regarding claim 3, Yamazaki discloses the method of claim 1 wherein: the event

is a scheduled event on a stored schedule that is accessible by the first device (col. 3, lines 24-29); and associating the command with the event further comprises associating the command with the scheduled event (col. 3, lines 29-67).

Regarding claim 4, Yamazaki discloses the method of claim 3 wherein determining when the event has occurred further comprises:

determining a clock time (fig. 1, timer 107) from a clock (col. 3, lines 24-29);

accessing the stored schedule (col. 3, lines 24-29); and

determining from the stored schedule whether the scheduled event is associated with the clock time (col. 3, lines 24-29).

Regarding claim 5, Yamazaki discloses the method of claim 4 wherein associating the command with the event further comprises constructing the command depending on one or more of the clock time and the scheduled event (col. 3, lines 24-29).

Regarding claim 6, Yamazaki discloses the method of claim 4 wherein causing the action at the second device further comprises sending a signal (inherently to "activates" see col. 3, lines 29-39) requesting the alert to the second device (col. 3, lines 29-67).

Regarding claim 8, Yamazaki discloses the method of claim 1 wherein communicating with the second device further comprises broadcasting a message comprising the command by the first device (col. 3, lines 6-23).

Regarding claim 10, Yamazaki discloses the method of claim 1 wherein communicating with the second device further comprises: Sending a request message from the second device to the first device in response to an alert being required; and Receiving a message comprising the command from the first device at the second device in response to the request message (col. 3, lines 24-67).

Regarding claim 14, Yamazaki discloses the method of claim 1 wherein modifying the setting of the alert mechanism comprises selecting one or more of a plurality of alternative modes of the alert mechanism (fig. 1; LCD 12, SP 13, or LED 14) of the second device (col. 3, lines 29-67).

Regarding claim 15, Yamazaki discloses the method of claim 14 wherein selecting one or more of the plurality of alternative modes further comprises selecting one or more of: an audible alert mode; a tactile vibration alert mode; and an illuminating alert mode (col. 3, lines 29-67).

Regarding claim 16, Yamazaki discloses an apparatus (fig. 1 and col. 3, line 24-col. 4, line 21) comprising:

a first device (fig. 1, program memory 106) to associate a command ("set the scheduler" see col. 3, lines 24-30) with an event ("appointment times" see col. 3, lines 24-30) and to transmit a message ("set alarm time" see col. 3, lines 29-39) comprising the command;

a second device (fig. 1, control 104) to receive the message and to perform an action (inherently to "activates" see col. 3, lines 29-39) depending on the command (col. 3, lines 29-67); and

an alert mechanism (fig. 1; LCD 12, SP 13, or LED 14) of the second device with one or more of

a capability to be enabled in response to the command (col. 3, lines 29-67);

a capability to be disabled in response to the command; and

a setting, modifiable in response to the command,

wherein the alert mechanism, if the alert mechanism is enabled, is capable of being activated in response to an alert being required (col. 3, lines 29-67).

Regarding claim 17, Yamazaki discloses the apparatus of claim 16 wherein the alert mechanism of the second device may be activated, if the alert mechanism is enabled, in response to one or more of: a specific event detected by the second device (col. 3, lines 24-39); a signal requesting activation of the alert mechanism (col. 3, lines 24-39), sent from a third device (fig. 1; key 108); and the signal requesting activation of the alert mechanism, sent from the first device (col. 3, lines 24-67).

Regarding claim 18, Yamazaki discloses the apparatus of claim 16 further comprising: a storage component (fig. 1, memory 106) accessible by the first device, to store a schedule (col. 3, lines 24-33), wherein the event further comprises a scheduled event stored in the schedule (col. 3, lines 24-33); and a clock (fig. 1, timer 107) to provide a clock time to one or more of the first device and the second device (col. 3, lines 24-33).

Regarding claim 22, Yamazaki discloses the alert mechanism of claim 16 wherein the setting comprises a selection (fig. 1; mode selector 110) of one or more of a plurality of alternative modes of the alert mechanism (col. 3, lines 29-67).

Regarding claim 23, Yamazaki discloses the alert mechanism of claim 22 wherein the selection of one or more of the plurality of alternative modes (fig. 1; mode selector 110) further comprises the selection of one or more of: an audible alert mode; a tactile alert mode; and an illuminating alert mode (col. 3, lines 29-67).

Regarding claim 24, Yamazaki discloses the apparatus of claim 16 wherein the first device and the second device are physically integrated into a single unit (fig. 1 and its description).

Regarding claim 26, Yamazaki discloses the machine accessible medium (fig. 1,

program memory 106) on which is stored data that when accessed by a machine (fig. 1, control 104) causes it to perform the method of claim 1 (col. 3, lines 24-67).

Regarding claim 27, Yamazaki discloses the machine accessible medium (fig. 1, program memory 106) on which is stored data that when accessed by a machine (fig. 1, control 104) causes it to perform the method of claim 5.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 11, 12, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki in view of Seppanen et al. (US-6,006,114).**

Regarding claims 11 and 19, Yamazaki discloses the method and an apparatus as recited in the rejections of claims 1 and 16, respectively. But, Yamazaki fails to expressly show wherein modifying the setting of the alert mechanism comprises setting the intensity of the alert mechanism of the second device to a specific intensity level including a level corresponding to an imperceptible intensity.

However in analogous art, Seppanen et al. teach wherein modifying the setting of the alert mechanism comprises setting the intensity of the alert mechanism of the wireless communication device to a specific intensity level including a level

corresponding to an imperceptible intensity (col. 1, lines 40-54). Since, Yamazaki and Seppanen et al. are related to modifying the setting of the alert mechanism; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Yamazaki by specifically modifying the setting of the alert mechanism comprises setting the intensity of the alert mechanism of the wireless communication device to a specific intensity level including a level corresponding to an imperceptible intensity as taught by Seppanen et al. for purpose of offering the user the choices of setting the intensity of the alert mechanism in order to increase the favorable effect to the user and decrease the unpleasant effect to other people.

Regarding claims 12 and 20, Yamazaki and Seppanen et al. disclose a method and an apparatus as recited in the rejections of claims 11 and 19, respectively. Seppanen et al. further disclose wherein the alert mechanism includes an audible alert, the intensity level of the audible alert is the volume of the audible alert, and the level corresponding to an imperceptible intensity level is a mute level (col. 1, lines 40-54).

6. **Claims 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki and Seppanen et al. in view of Kraft et al. (US-6,463,278).**

Regarding claims 13 and 21, Yamazaki and Seppanen et al. disclose a method and an apparatus as recited in the rejections of claims 11 and 19, respectively. But, Yamazaki and Seppanen et al. do not explicitly show wherein the alert mechanism includes an illuminating alert, the intensity level of the illuminating alert is the brightness

of the illuminating alert, and the level corresponding to an imperceptible intensity level is darkness. However in analogous art, Kraft et al. teach wherein the alert mechanism includes an illuminating alert, the intensity level of the illuminating alert is the brightness of the illuminating alert, and the level corresponding to an imperceptible intensity level is darkness (col. 5, lines 9-52). Since, Yamazaki and Seppanen et al. and Kraft et al. are related to mutiple modes of the alert mechanism in the mobile phone; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Yamazaki and Seppanen et al. by specifically wherein the alert mechanism includes an illuminating alert, the intensity level of the illuminating alert is the brightness of the illuminating alert, and the level corresponding to an imperceptible intensity level is darkness as taught by Kraft et al. for purpose of offering the user the choices of selecting the alert mode in order to increase the favorable effect to the user and decrease the unpleasant effect to other people.

Allowable Subject Matter

7. Claims 7, 9, 25 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reason for the indication of allowance:

Regarding claims 7 and 25, the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest the method of wherein: the first device is a personal digital assistant; the second device is a cellular telephone;

the alert mechanism of the second device comprises a ringer of the cellular telephone; disabling the alert mechanism of the second device comprises muting the ringer of the cellular telephone; and communicating the command comprises transmitting the command from the personal digital assistant to the cellular telephone, over a wireless network.

Regarding claim 9, the prior art made of record and considered pertinent to the applicant's disclosure does not disclose nor fairly suggest the method wherein communicating with the second device further comprises: sending a polling message from the second device to the first device; receiving the polling message at the first device; and in response to the polling message, receiving a message comprising the command from the first device.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 703-306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Huy Phan

SONNY TRINH
PRIMARY EXAMINER

Examiner: Phan, Huy Q. AU: 2687 Date: Mar. 29, 2004